

SECTION 4

DIMENSIONAL REGULATIONS

4-A BASIC REQUIREMENTS

(1) General

No building, structure or use in any district shall be built, located, enlarged or permitted which does not conform to the dimensional regulations as set forth in Section 4-B and 4-C of this by-law.

(2) As Built Plot Plan

Upon completion of foundation(s) the holder of the building permit will file an updated plot plan signed by a Registered Professional Engineer or a Registered Land Surveyor showing that the foundation(s) has/have been located as required. This section is not intended to include an addition to a privately owned single-family residence, provided said addition conforms to all other existing building codes and zoning by-laws. The holder of said permit may proceed at his own risk.

The updated plot plan shall contain the following notation signed by the engineer or surveyor:

"PLAN OF LAND WALPOLE, MASSACHUSETTS

I hereby certify that the lot corners, dimensions, elevations and offsets to the proposed building or structure as shown on this plan are correct and conforming to Town of Walpole Zoning By-Laws and Regulations.

SIGNED: _____

Registered Professional Engineer or Registered Land Surveyor"

4-B SCHEDULE OF DIMENSIONAL REGULATIONS

In all districts, no building shall be constructed on any part of a lot, created after the adoption of this provision of the Zoning By-Law, which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located. Furthermore, in all districts, no building shall be constructed:

- (1) On a lot having less than the "Required Lot Area" or having less frontage on at least one street than the "Required Lot Frontage"
- (2) So as to cover, together with any other buildings on the lot, a larger portion of the lot area than the "Maximum Lot Coverage;"
- (3) So as to be nearer to the line of a street than the "Required Setback Distance" or nearer to the side lines of its lot than the "Required Side Yard Width" or nearer to the rear line of its lot than the "Required Rear Yard Depth",

as specified in the chart in this Section for the district in which the lot is located.

Chart for Schedule of Dimensional Regulations (Section 4-B)

District			Maximum Lot Coverage		Required Yards			Maximum Building Height (feet) r
	Required Lot Area (square feet)	Required Lot Fontage (feet)	By Structures	By Structures & Other Impervious Surfaces	Required Setback Distance (feet)	Width of Side (feet)	Depth of Rear (feet)	
Flood Plain & Water Conservation	Superimposed on other districts and subject to all the restrictions and regulations of those districts and provisions of 3-C.							
Park, School , Recreation and Conservation	40,000	200	25%	40%	30	25b	30c	35m,q
Rural	40,000	200	25%	40%	30	25b	30c	35m,q
Residence A	30,000	150	25%	40%	30	20b	30c	35
Residence B	20,000	125	25%	40%	30	15d	30c	35p
General Residence	15,000	100	30%	50%	30	10d	30c	35m,p,q
Business	15,000	100	40%	70%	25j	6e	20f	40m,q (but not more than 3 stories)
Highway Business	40,000	200 ^l	50%	90%	50j	40g	25 g,h	45 (but not more than 4 stories)
Central Business Dist.	a	a	75%	75%	25j	6e	20f	52m,q
Limited Manufacturing	40,000 ^l	200 ^l	35%	70%	50j	40g	25 g,h	40k
Industrial	40,000 ^l	200 ^l	50%	70%	25j	10g,h	10 g,h	40k

EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS

- (a) No building shall be constructed as a dwelling or a building so used on a lot having less area or frontage than the amount required for its construction in the abutting Residential District (or, where more than one such district abuts, in the particular district nearest to the building in question).
- (b) Except that a detached accessory building having a setback of at least one-hundred fifty (150) feet may be constructed within six (6) feet of the side lines of its lot.
- (c) Except that a detached accessory building may be constructed within ten (10) feet of the rear line of its lot.

- (d) Except that a detached accessory building having a setback of at least one-hundred (100) feet may be constructed within six (6) feet of the side lines of its lot.
- (e) Unless the wall adjoining a side lot line be a firewall used either as a party wall or with its outer face coincident with said line.
- (f) For a dwelling, except that a dwelling in which all rooms open onto a street or onto a yard or exterior court at least twenty (20) feet in depth may be constructed within six (6) feet of the rear line of its lot; six (6) feet for all other buildings.
- (g) Where it abuts a railroad right-of-way, none.
- (h) Where the rear yard abuts a residence district, fifty (50) feet.
- (j) To be used for no purpose other than walks, drives, landscaping, flag poles, lights, signs, canopies for gasoline service stations and fences as permitted or required elsewhere in this by-law, except that in the Business District and Central Business District, a minimum of six (6) feet of the setback adjacent to the street right-of-way line shall be landscaped and planted with trees and shrubs and in the Limited Manufacturing and Industrial District, a minimum of ten (10) feet of the setback shall be similarly landscaped, providing in both instances no planting shall be located as to restrict the visibility of vehicles leaving the districts by the exit driveways.
- (k) Plus one (1) foot for each additional foot by which:
 - (1) the setback exceeds the required setback distance, or
 - (2) the narrowest side yard exceeds the required side yard width, or
 - (3) the rear yard exceeds the required rear yard depth, whichever of the three (3) additional distances is the smallest.
- (l) Does not apply to one-story building of accessory use.
- (m) Except that a hospital and comprehensive health care system may be determined by "k" (above).
- (n) Includes accessory buildings or structures.
- (p) Except that a residential care continuum may be determined by "k" (above).
- (q) Except that a dormitory may be determined by "k" (above).
- (r) When at least 30 parking spaces are provided at or below grade, but under a building and screened from view, in the Highway Business or Industrial Districts, the building height may be increased by 12 feet or one additional story.

4-C SPECIAL CONDITIONS

(1) Height Determination and Exceptions

The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, flagstaffs, railings, vanes, soil pipes, antennas and other accessory features usually erected above the roof line; nor to domes, towers, spires, or other ornamental features of non-residential buildings.

(2) Additional Height Limitations Near Side Lines in Residential Districts

In addition to the maximum height limitation hereof, no portion of any building located within twenty-five (25) feet of any point on the side line of an adjacent lot shall have a height above the grade of said point greater than its horizontal distance therefrom if in a Rural or Residence A district, or greater than its horizontal distance therefrom plus five (5) feet if in a Residence B District, or greater than its horizontal distance therefrom plus ten (10) feet if in a General Residence District; provided, however, that this limitation shall not apply if the building in question is more than two hundred (200) feet from the nearest Exterior line.

(3) Determination of Lot Frontage and Lot Area

(a) Lot Frontage and Area

For the purposes of this section, lot frontage shall be measured along the exterior street line from one side of the lot to the other, and also between said side lines along a line which marks the required building setback on such lot, and the longer of said distances shall be considered as the frontage of such lot. However, the shorter of such measurements shall not be less than eighty percent (80%) of the required frontage. Frontage for a corner lot shall be measured along the exterior street line from one side of the lot to the point of intersection of the tangents on the radius. In determining lot area, no portion thereof within the exterior line of any street shall be included.

(b) Continuous Buildable Lot Area

The continuous buildable area of a lot shall be interpreted as the horizontal area of any lot, created after the adoption of this section, exclusive of any area in a street or recorded way open or way proposed to be open to public use. For any lot created after the adoption of this section, at least sixty percent (60%) of the minimum lot area required for zoning compliance shall be contiguous land other than that located within an area identified as a "Resource Area" as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Walpole Wetlands By-Law. The area shall be identified on the plan with a line entitled "Wetland Resource Area", determined and delineated by the applicant's engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in the above-referenced statutes. The proposed structure must be constructed on said designated contiguous land area.

(4) Number of Buildings Per Lot In Residential Districts

In all residential zones not more than one (1) building constructed as a dwelling or so used shall be located on each lot. However, in General Residence Districts, the Board of Appeals may by Special Permit (SP1 under 3-B-7) allow more than one (1) building on a lot where four (4) or more dwelling units are to be accommodated on said lot. Notwithstanding the foregoing, in a residential care continuum more than one (1) but no more than eight (8) buildings may be located on each lot. The Board of Appeals may, by Special Permit (SP1 under 3-B-7), allow more than eight (8) buildings on a lot where the applicant has also shown that the design and placement of the buildings will be in harmony with the general character of the neighborhood, and that the project's needs may not be adequately met with fewer buildings.

(5) Other Exceptions

Notwithstanding the foregoing provisions, a dwelling for not more than one (1) family (where otherwise lawful), or any other permitted building may be constructed on a lot having less than the required area and frontage, if all other requirements of this by-law are complied with, and prior to the effective date of the requirements in question, said lot was laid out and recorded in conformity with the area and frontage requirements, if any, applicable to the construction of such dwelling or other building on said lot at the time of said recording, and provided further that said lot did not, on said effective date, adjoin other land of the same owner available for use in connection therewith, and has less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

(6) Sideyard Exception at Corner Lots

In the case of a lot which abuts the point of intersection of two (2) streets, and where the included angle is less than forty-five (45) degrees, such intersecting lines shall then be considered as "side lines" of the lot, from which the "required side yard width" shall be measured.

(7) Determination of Setback

For the purpose of this section, the required setback distance shall be measured from the nearest exterior line of the street in question; except that where the street has a right-of-way width of less than forty (40) feet, the setback distance shall be measured from a line on the lot twenty (20) feet from and parallel to the center line of said street.

(8) Setback Exceptions

- (a) In all districts, except where subject to the provisions thereof on "Corner Clearance", a building may be constructed as near to the line of any street as the average of the setbacks of the dwellings or other main buildings nearest thereto on either side. Where, in determining the average setback, the nearest main building on either side is more than three-hundred (300) feet from the building in question, such side building shall not be counted, but instead the intervening space shall be considered as though occupied by a main building having the required setback (whether or not said space is laid out as a separate lot).
- (b) On a corner lot, only one street line shall be used for the purposes of measuring minimum lot frontage and setback requirements. If, on a corner lot, minimum frontage requirements may be met along both street lines, the required setback shall be measured from the line of the street identified as the official address of the lot.

(9) Setback and Side Yards for Other Uses

In all districts, no open storage or display of goods, products, materials or equipment; no gasoline pump, vending machine or other commercial device; and no structure of any type over three (3) feet in height or ten (10) feet in length shall, except as hereinafter provided, be located nearer the line of any street or nearer the side lines of its lot than the minimum setback and sideyard width, respectively, required for a building on the same portion of the same lot. However, such clear space may contain:

- (a) a lawful sign not over one (1) square foot in area;
- (b) a mailbox, flagpole or utility pole;
- (c) a retaining wall; and
- (d) a fence or an above-ground wall, provided that no such wall and no solid fence shall have a height of more than three (3) feet at any point between the street and the required minimum setback line or more than six (6) feet at any other point. For the purpose of this provision, a "solid fence" is defined as one which presents more than a twenty-five percent (25%) obstruction to visibility from any point on the street, sidewalk or abutting lot.
- (e) a canopy for a gasoline service station upon Special Permit of the Zoning Board of Appeals in accordance with criteria described in Section 3-B-7 of the By-laws.

(10) Side Yard Exceptions

On an existing lot specifically exempted from the frontage requirements hereof (by Section 4-C-5) the required side yard width for a main building may be reduced one (1) foot for each ten (10) feet in a Rural or Residence A District and for each five (5) feet in a Residence B or General Residence District by which the frontage of said lot is less than the minimum specified for its district; provided, however, that the side yard distance shall not be so reduced to less than fifteen (15) feet in a Rural or Residence A District, or less than ten (10) feet in a Residence B District, or less than six (6) feet in a General Residence District, and provided further that if the width of said lot at any point through the building exceeds the frontage thereof, said width (rather than frontage) shall be used in determining the amount of side yard reduction.

(11) Reduction of Occupied Lots

No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, coverage, setback, yard, or other provisions of this by-law applicable to the construction of said building on said lot. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

(12) Projections

Nothing herein shall prevent the projection of eaves, chimneys, or cornices not exceeding eighteen (18) inches in width, or of uncovered steps, window sills, or belt courses into any required yard or other open space.

(13) Corner Clearance

In all residence districts, no building shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection (or, in the case of a rounded corner, the point of intersection of their tangents); and no structure, no tree, shrub, or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility across the corner.

4-D BUFFER ZONE

- (1) For all non-residential uses located adjacent to or within a residential zone, the owner of the non-residential use shall provide a buffer zone on his property. Where the non-residential use is located adjacent to the DZBL, the buffer zone shall abut and be parallel to the DZBL. Where the non-residential use is within the residential zone, the buffer zone shall abut and be parallel to the lot lines.

Buffer zones for all non-residential uses permitted as a matter of right in a Business zone shall be a minimum of twenty-six (26) feet. Buffer zones for all other non-residential uses permitted as of right or by Special Permit shall be a minimum of forty (40) feet. The buffer zones may be required by the Board of Appeals to be in addition to the required setback, sideyard or rear yard.

Notwithstanding the foregoing, the buffer zone for a residential care continuum shall be a minimum of one hundred (100) feet, and shall not be required to be in addition to the required setback, sideyard or rear yard.

For private petitions acted upon favorably by Town Meeting where the petitioner requests a zoning change from CBD, B, LM or IND to R, RA, RB, or GR the owner of the property requesting the zoning change shall be responsible for all buffer requirements under Section 4-D. A buffer zone shall not be required of property abutting an area whose zoning has been changed from CBD, B, LM or IND to R, RA, RB, or GR.

- (2) Except as may be specifically permitted by the Board of Appeals in its approval of a site plan, buffer zone land shall not be disturbed during construction or thereafter unless planting or loaming is required; nor shall any natural growth of trees and shrubs which tend to properly screen the view be removed, nor shall the contours be changed unless to provide, through proper landscaping practice and design, a hill or elevation to properly screen the view and to make appropriate plantings upon any such hill or elevation.
- (3) Buffer zone areas which contain some natural growth but insufficient to provide a proper screen shall be planted with trees. At least sixty percent (60%) of planting, shall be evergreen species, and at least fifty percent (50%) of the evergreen shall be hemlock, spruce, or their equivalent foliage. Evergreen trees shall be not less than five (5) feet tall and shall be planted not more than seven (7) feet apart.
- (4) Buffer zone areas which contain little or no natural growth shall provide two (2) planted areas of trees parallel to the District Zoning Boundary Line (DZBL). The spaces between the trees in one area shall be centered upon a tree in the other area.
 - (a) The first planting area shall begin seven (7) feet from the DZBL. Trees spaced as aforementioned may be planted anywhere within said area. Plantings shall consist of sixty percent (60%) evergreen species, of which at least fifty percent (50%) shall be hemlock, spruce or their equivalent.
 - (b) The second planting area shall begin sixteen (16) feet from the DZBL. Trees spaced as aforementioned may be planted anywhere within said area but must be spaced properly from any staggered planting in the first planting area. Planting shall consist of sixty percent (60%) evergreen species, of which at least fifty percent (50%) shall be hemlock, spruce or their equivalent.
- (5) Plantings shall be made in accordance with proper landscaping practices and should take advantage of the contours and characteristics of the land.
- (6) In that area of the buffer zone where the planting of trees is not required, there shall be a proper ground coverage to prevent the blowing of dust, dirt or refuse, and to prevent soil erosion. Wood chips or their equivalent shall not be used as a substitute for proper plantings in the buffer zone area. Any trees, shrubs or grasses which die or become diseased and cannot be restored to their screening function, shall be replaced.
- (7) Buffer zones shall be provided with a screen fence for the purpose of stopping debris from nonresidence uses from entering the residence districts and to further screen the view. Any debris accumulating in the buffer zone shall be removed every thirty (30) days. The fence shall be approximately parallel to the DZBL, of good workmanship, and properly maintained and no signs shall be posted upon the side of the fence facing the residential district except as outlined in Section 6-E of the Zoning By-Laws.
- (8) Fences, trees and plantings for all uses shall be subject to Site Plan Approval under Section 7.
- (9) In approving a site plan, the Board of Appeals may modify, at the applicant's request, the requirements of this section (4-D) with respect to buffer zones, provided that such modifications are in keeping with the intent of this section and provide adequate screening for residential uses involved, prevent the blowing of dust, dirt, refuse and prevent soil erosion. As a precondition to modifying the buffer zone requirements of this section, the Board of Appeals may require that it retain jurisdiction so as to view the site after the completion of construction to determine whether the modified buffer zone is, in fact, adequate.

4-E EXEMPTIONS FOR RECORDED OR ENDORSED LOTS

Any increase in the area, frontage, width, yard or depth requirements of this by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon if, at the time of the building, building upon such lot is not prohibited by this by-law.

SECTION 5 PARKING REGULATIONS
